

# **Town of Amherst**

## **40R Smart Growth Overlay District**

### **Public Comments**

*as of July 7, 2020*

1. Amherst Resident, Lisa Fontes, May 16, email
2. Amherst Resident, Robert Vigderman, May 17, email
3. Amherst Resident, Maura Keene, May 22, email
4. Amherst Resident, Terry Johnson, May 22, email and letter
5. Amherst Resident, Elizabeth Vierling, June 9, letter
6. Amherst Residents, Joyce Avrech and Len Berkman, June 10, letter
7. Amherst Resident, Pam Rooney, June 11, letter
8. Amherst Resident, Paddy Ross, June 12, letter
9. Amherst Resident, Maurianne Adams, June 15, email

## Breger, Benjamin

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**From:** Planning Department Email  
**Sent:** Sunday, May 17, 2020 7:49 AM  
**To:** Brestrup, Christine; Malloy, Nathaniel  
**Subject:** Fw: 40R overlay downtown

Hi Chris and Nate,  
This request re: 40R public forum came to the Planning email.  
Have a great day!  
Pam

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**From:** Lisa Fontes <lfontes@rcn.com>  
**Sent:** Saturday, May 16, 2020 10:50 AM  
**To:** Planning Department Email <planning@amherstma.gov>  
**Subject:** 40R overlay downtown

Hello Christine!

I am writing to request that the a fourth public forum be held (by Zoom, I guess) to allow residents of Amherst to discuss this new 40R overlay zoning in the downtown area between Triangle and Amity Streets. Maybe it will be wonderful—but I want to make sure town residents have an opportunity to discuss how this may impact us. Will tall buildings block sunshine to the streets? Will we still have room to sit on benches and speak with our neighbors, enjoying a beverage that we have purchased from one of our local stores? Etc.

Thank you.  
Lisa  
Lisa Fontes, Ph.D.  
Strong Street

## Breger, Benjamin

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**From:** Planning Department Email  
**Sent:** Monday, May 18, 2020 7:08 AM  
**To:** Brestrup, Christine; Malloy, Nathaniel  
**Subject:** Fw: Overlay

Good Morning Chris and Nate,  
This public comment regarding 40R came to the Planning email!  
Have a great day!  
Pam

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**From:** Bobvig <Bobvig@comcast.net>  
**Sent:** Sunday, May 17, 2020 6:29 PM  
**To:** Planning Department Email <planning@amherstma.gov>  
**Cc:** Robert Vigderman <bobvig@comcast.net>  
**Subject:** Overlay

I dont want any more grotesqueness from Archipelago.  
This 40r nonsense is a builder's tool to maximize their lies and profits.  
Dont you see that ?  
It is a fee ticket with immunity to let investors pack 'em in.  
They will turn No pleasant into a NYC canyon.  
No 40 r.

Keep zoning very frigid. Huge setbacks, greenery public walks, open spaces throughways.  
I live here. Things are good now.

Dont let these guys ,David and Kyle, continue to lie as theyve done with One East and with Spring Street,  
proposing affordable apts with parking for the ol' bait and switch. Dont be saps.  
Their never-at-home tenants add nothing to the town.

Be strong. Things will be built with rigid old fashioned zoning because there is still money to be made. Dont believe them when they tell you that tall and huge is the only way to make it profitable. Thats true for their Investment Companies (archipelago holdings, eg) that promise huge returns in order to attract out of town investors to survive. This town is comprised of small time construction that makes enough return for those WHO CARE.

I want setbacks that matter, 4 story no exceptions, parking for each tenant.

Btw I am hoping Roberts and Shumway dont build what theyve planned on the park...  
An affront of a flanking canyon wall it is.

Robert Vigderman, Amherst

Sent from my Verizon, Samsung Galaxy smartphone

## Breger, Benjamin

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**From:** Planning Department Email  
**Sent:** Tuesday, May 26, 2020 6:35 AM  
**To:** Brestrup, Christine; Malloy, Nathaniel  
**Subject:** Fw: 40-R zoning

Good Morning Chris and Nate,  
This came to the Planning email re: 40R.  
Pam

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From: Maura Keene <keenemaura@gmail.com>  
Sent: Friday, May 22, 2020 12:36 PM  
To: Planning Department Email  
Subject: 40-R zoning

Dear Chris,

Although I see many advantages to the proposed 40-R zoning, I do worry that the same developers who built the large buildings downtown (One East Pleasant, Kendrick Place, and Spring Street) which many people including me dislike, will unduly influence the design standards for the 40R zoning. Then the town will lose any input into the size or design of these projects. We could end up with a canyon of ugly, massive red brick buildings built right up to the sidewalk, all for 20 per cent affordable units. If there would be some way to guarantee input from regular citizens who use the downtown and especially those who live nearby, I would be much less wary of the zoning change. Also, it would be desirable to make sure any residential buildings provide adequate parking.

Regardless of how it is done, I really hope the zoning for downtown can be changed before any more of these large buildings are built by right.

Thank you for your attention.

Maura Keene  
25 Dennis Drive

## Breger, Benjamin

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**From:** Planning Department Email  
**Sent:** Tuesday, May 26, 2020 6:36 AM  
**To:** Brestrup, Christine; Malloy, Nathaniel  
**Subject:** Fw: 40R Overlay Input for the Consultants  
**Attachments:** 40 R Planning letter.docx

This also came to the Planning email re: 40R.  
Have a great day!  
Pam

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**From:** Terry S. Johnson <johnsonterrys@gmail.com>  
**Sent:** Monday, May 25, 2020 5:49 PM  
**To:** Planning Department Email <planning@amherstma.gov>  
**Subject:** 40R Overlay Input for the Consultants

Dear Ms. Bestrup,

Please forward the attached letter directly to the consultants concerning the 40R Overlay. I am requesting an additional public forum since much of the information at the May 6, 2020, was new to the public and some of the planning board. Also, members of the public, particularly those living near the proposed overlay, have not been included in this process.

If possible, please acknowledge receipt of this letter. Thank you.

Sincerely,

(Ms.) Terry S. Johnson,

15 Teaberry Lane

413-835-5513

May 22, 2020

Re: Smart Growth - Additional Public Forum Needed

Dear Consultants for Smart Growth in Amherst,

I am a long term Amherst resident who lives outside the proposed downtown 40R overlay yet I am very concerned about the future of downtown and the impact of this proposal on the town's future. Here are some unanswered questions:

1) How can taxpayers be assured that with a new set of zoning by-laws, we will actually get affordable housing and that "smart growth" regulations will be followed? How will building "by right" be balanced with the needs of a vibrant and pleasant street life?

It hasn't happen so far, and your last presentation does not clarify who determines what is actually built. During the last ten years, the "new" five story buildings downtown received many special permits with no affordable housing, no appropriate setbacks, no parking, and little attention to greenspace and street life. These buildings hover over pedestrians and haven't provided many opportunities for improved downtown offerings or activities. Will it actually be easier for builders to receive even more special permits?

New construction on Spring Street was approved by the Planning Board in spite of objections from the Design Review Board that the proposal was inappropriate in many ways. This apartment building, set on a cramped lot, will be a boxy glass eyesore amidst historic structures and has no parking, no setback, no affordable housing and no green space.

2) How will future buildings under the Smart Growth plan attract more than college students who only "live" in the buildings 8 months a year? We do not need more dorms downtown. Empty apartments during the summer do not help local businesses other than the developers themselves.

3) How can all stakeholders be brought into this process before it is too late?

The "average" taxpayer has not been part of the process. The "Interview List" included mostly stakeholders who would directly profit from new construction. "Average" taxpayers are stakeholders, too. I did not see names of folks who live adjacent to the proposed overlay nor did I see names of folks, like myself, who live in the rest of town.

4) How will these by-law changes affect the local historic districts?

5) How will COVID influence future growth decisions?

**Please offer another public forum. Thank you!**

Sincerely,

(Ms.) Terry S. Johnson

15 Teaberry Lane

June 9, 2020

Ms. Christine Brestrup  
Amherst Town Planner  
Boltwood  
Amherst, MA 01002

Dear Ms. Bestrup,

I am writing to voice my extreme concerns over the currently available proposal for 40R districting in central Amherst, and I request that you forward my comments to the consultants who are engaged in the 40R proposal process.

I am strongly in favor of increased downtown density and recognize that there is much poorly used space in central Amherst. I believe that our town needs affordable housing and an increased tax base, which should involve development in the town center. More density in the center would be a benefit to businesses and provide more amenities to residents. However, the 40R proposal as it currently stands has not been thought through, and it compromises the character of our town and of our close-in historic homes and neighborhoods.

The current proposal merely “cuts and pastes” from the State guidance website, with no consideration of the Amherst context, actual residential neighborhoods, or town needs. Neighborhoods impacted were also not part of the design process; residents were not interviewed or included in defining the 40R zones. The proposed guidelines will promote over-urbanization with zero front setbacks. It will erode our close-in, owner-occupied residential neighborhoods and decrease the appeal of our town. This is extremely poor design.

Please show this town a proposal that adds real civic value that Amherst can be proud of for the next 100 years. Make us a model for redevelopment of a small new England town, rather than a haphazard jungle of buildings. We need 2-3 stories along main streets with appropriate setbacks – put the taller buildings behind – we have the space. Respect the scale and privacy of close-in neighborhoods and the character of our historic downtown buildings. There need to be real transitions from pedestrian-rich neighborhoods to a pedestrian/bike friendly and attractive town center. A design that takes into consideration the current feel of our town is needed, rather than abruptly transforming it into a canyon of five story buildings on the street front – which are the design guidelines in this proposal. There are other ways to create density and affordable housing. Do not accept this proposal in any form.

I am also aware that Pamela Rooney, a former planning board member, has prepared a critical analysis of the inadequacies of the current 40R proposal and has sent or will shortly send that to you. Pam’s analysis of the proposed subdistrict overlays and by-laws for development specifically points out the major deficiencies of the current 40R plan and the process of its formation. I echo her analysis.

I would also like to add that given the current COVID-19 crisis, it would seem a poor time to redesign the town center based on previous economic and housing forecasts. As we consider the future, post the current pandemic, we will need to rethink our development.

I hope to be a proud resident of a vibrant, attractive central Amherst in the future, and am very interested to support smart development.

Sincerely,

A handwritten signature in black ink, reading "Elizabeth Vierling". The script is cursive and fluid, with the first name and last name clearly legible.

Elizabeth Vierling

36 Cottage St.

[elizvierling@gmail.com](mailto:elizvierling@gmail.com)

CC: Councilors Districts 3 and 4



Amherst, MA 01002  
413-835-5513

Joyce Avrech Berkman and Len Berkman

66 Cottage Street

Amherst, MA 01002

[jberkman@history.umass.edu](mailto:jberkman@history.umass.edu)

413-549-0659

June 10, 2020

Ms. Christine Brestrup

Amherst Town Planner

Boltwood

Amherst, MA 01002

Dear Christine Brestrup,

I thank you for your warm, friendly and helpful participation in our neighborhood Zoom meeting recently and for your encouragement to compose and send a letter to you that highlights our thoughts and feelings about the 40R proposal. Friends suggested that I arrange such a Zoom gathering, and with the excellent assistance of my neighbor Pam Rooney, who gladly hosted the event, you had a chance to listen to and respond to questions and concerns. I have spoken with other neighbors since the Zoom meeting who shared the concerns that we set forth with you and Nathaniel Malloy.

A high consensus reigns among our neighbors. We all support affordable housing in our and in other Amherst neighborhoods. We all seek a more family-friendly, intergenerational, diverse, especially racially and ethnically diverse, town. We all support rational growth grounded in respect for the historic personality of our town and founded on an architectural aesthetic that honors environmental considerations and promotes the wonders of nature in our neighborhood (why we suggested a Planning Board stroll to see our gardens, our birds, our open skyline to the magic of sunrise and sunset). Many of us have lived in towns and cities that ignored these criteria of not just “smart” growth but artful and psychological perceptive growth. I cannot document the following claim, but I speculate that a loss of pride in the beauty of a town, in its singular charm, leads to a disconnect between citizens and their environment, a disconnect that promotes crime, drug addiction, and vandalism.

We know it is possible to create new housing complexes that heighten human wellbeing and meet the needs of the less affluent. I recognize that a profit motive accompanies most development proposals. It may be necessary to have Public Private Partnerships in building complexes that will cover the costs of building plus some profit for investors (though never meeting the desires of the greedier ones), while accommodating the need for high quality housing for those with lesser income. I see no reason why we can't have a vision of growth for Amherst that is aesthetically captivating and financially realistic.

I also want us not to forget our unknown future concerning town population size. As of 2025 University and College administrators expect the beginning of a “demographic cliff.” This refers to the huge drop in the number of 18 year olds in our state who will enroll in our area educational institutions. Add the increasing draw of distant learning and we may find we have an oversupply of housing even with the buildings we currently have. The Covid-19 pandemic has amplified the growing need and attraction of distant learning. In short, any new housing development must take into account a predictable serious drop in Amherst’s overall population.

Now to turn to an issue that reflects my passion for democracy and fairness. We have always assumed that as town citizens we were the first concern of any local government decision, but until we asked for the Zoom meeting, we had not been invited into the zoning discussions affecting our immediate area. Several of these discussions have occurred during the summer when folks are on vacation. That was why, for instance, my husband and I could not respond to Kendrick Place proposals and the growth of five story buildings that violate so many of the values mentioned in my second paragraph. As we see economic drives eclipse for far too many people all other human concerns, including their community’s health, I think today of the premature re-opening of businesses that have resulted in over 20 states’ newly soaring rates of Covid-19 . (I once thought ideologies of economic determinism, most carefully elucidated by Marxists, were simplistic. No longer.) As brilliant economists have underscored with regard to a town or city’s self-undermining evolution, a locale that has lost its charm will suffer a sharp business decline. I draw your attention to what my husband and I have relatedly observed. (I’m a retired UMass professor; my husband is still teaching at Smith and with numerous Five College students in his classes.) Many of our students and their friends have asserted in recent years that Northampton is a far more student-friendly town in terms of diverse services, stores, cafes, entertainment and that they rarely spend time in Amherst except to drink! If this is the case, much more thought must be given – for the sake of Amherst’s residential vitality -- to the kinds of town services and businesses that attract a range of student interests, families with growing children, and a mix of generations that include the elderly. We have spent time in thriving family-friendly towns, especially in Europe. I know it’s possible!

I am a mother of two grown sons. My husband and I chose to live on Cottage Street (moved here in 1965) because of proximity to schools, town services and above all safety. These are factors for many of our neighbors’ decisions to move here, too. We didn’t worry about too many cars in our neighborhood, too much traffic. Now we do and our worries will escalate if lower Triangle Street becomes an urban thicket of five story apartment buildings.

Finally, I’m concerned about the lack of review and design controls by key bodies in town. It seems waivers to zoning stipulations are all too freely and precipitously granted. The ability of the Zoning Board of Appeals to override recommendations from the Planning Board and Town Council is especially concerning. Shouldn’t popular sovereignty, the crux of democracy, mean that town development must rest on a collaboration of neighbors, business people, town officials? And doesn’t such collaboration require ample notification of affected neighbors, ample opportunity for neighbors to meet with consultants and developers as well as town officials? It’s not just Trump that threatens democracy in our nation. We risk slipping into local behavior that is top-down, as though we can blindly dispense with our bottom,

Most sincerely,

Joyce and Len Berkman

Pamela Rooney  
42 Cottage Street  
Amherst, MA 01002

June 11, 2020

Ms. Christine Brestrup  
Amherst Town Planner  
Town Hall – 4 Boltwood Ave.  
Amherst, MA 01002

Dear Ms. Brestrup:

I have reviewed the 40R Proposal prepared by Consultants Sonnaborg and Eisen (Consultants), attended 40R Public Forums, and studied the materials provided on the Amherst website. I request that this letter and enclosures containing my comments be included in the packet of material your office will soon provide to the Consultants in response to the 40R Proposal.

I was a member of the Amherst Planning Board from 2000 to 2006 and chair for 2 of those years. I was a member of Amherst Town Meeting for 8 years, am a Registered Landscape Architect (MA license #870), and Assistant Director of Campus Planning at UMass Amherst. As an Amherst resident since 1992, I have lived at 42 Cottage Street since 1999. It is a safe and pleasant, older neighborhood with houses set back from the road. The mature trees that line the street contribute to its character. We live adjacent to the Triangle Street Limited Business District (B-L) and within walking distance to Amherst Center. I am not anti-development and am willing to work with others. I feel a need to express my concerns with the 40R Proposal and they are enclosed.

Briefly stated, the 40R Proposal, as presented,

- Is not the tool Amherst should adopt to meet Master Plan goals.
- Locates priority development based in large part on the availability of willing sellers.
- Suffers from lack of public input. Not one Amherst citizen acting in the role of resident is on the list of people interviewed during the scoping process, and it is lacking any input from affected neighborhoods, such as Cottage Street or North Prospect.
- Public Forums were just primers on “what is 40R” with insufficient time for substantive citizen input.
- Does not identify or address on-the-ground implications and the FOREVER impacts to the look and feel of Amherst Center and the close-in, historic neighborhoods.
- Makes today’s B-L districts the most vulnerable to economic development pressures with greatest potential impact to neighborhoods.
- Leaps across Triangle Street into the B-L and brings with it the potential for massing and scale of an urban core, such as is already possible in Amherst’s General Business District where 5-story apartment buildings are already allowed.

- Washes away B-L zoning that, by intent, is the buffer between neighborhoods and Town Center and in its place overrides current height restrictions and setbacks.
- Throws buildings of maximum density and height (65'), with zero (0') required setbacks up against established, pedestrian-scale neighborhoods, including Cottage Street - a gateway to Town Center that is heavily used by many pedestrians from surrounding neighborhoods.
- Transforms the Triangle B-L into high-walled canyons of massing and scale and forsakes Amherst's small-town charm for the hardscape of an urban scene.
- Completely contradicts the stated intent of creating "transects and seamless transitions" from neighborhoods to Town Center!
- Is not good government. It does nothing to protect and promote the health and well-being of Amherst neighborhoods, something I expect Amherst leadership to recognize and uphold.

I am not against appropriate development or the production of additional housing in Amherst, but we can do far better than what is offered in the 40R Proposal. There needs to be a collaborative effort to identify, protect, and create the character we like, while preparing for change that recognizes, avoids, and minimizes impacts to those values and still makes economic sense to pursue.

The 40R proposal is materially deficient. If Amherst intends to pursue this line of zoning at all, it must include citizen input, be substantially modified and improved, and resubmitted for review. I would request that no board or town entity adopt 40R as currently written.

The enclosures describe more fully the issues with 40R as presented. If you have questions or would like to discuss my comments, please feel free to contact me.

Sincerely,

*Pamela Rooney*

[pamrooney77@gmail.com](mailto:pamrooney77@gmail.com)

413-992-8209

Enclosures: Consideration of 40R Proposal  
40R Issues of Concern

CC: Cottage Street neighbors;  
Councilors – District 4, District 3, At-large

# Enclosure 1

## Consideration of 40R Zoning Proposal

Submitted by: Pamela Rooney

The Amherst Planning Board and Town Council will be faced with consideration of lifetime-long impacts to the look and feel of Amherst's heart, and the long-term health and well-being of some of Amherst's close-in and well-established neighborhoods. The 40R Proposal to convert the Triangle Limited Business District to a massing of high-density, tall buildings is inappropriate, and as written, is unacceptable. The 40R Proposal needs to be tabled for the time being. A much more thorough investigation is warranted, including community engagement, before considering adoption of these bylaws. We can work out a better solution than this.

Comments below are based on draft (4-4-2020) by-laws and presentation materials. The Consultants' presentation to the Amherst Planning Board, on 5.6.2020, stated on its last slide (20):

*Are the 3 sub-districts proposed appropriate in relation to their context and Town goals?*  
The answer is a resounding: NO

### **1. Cottage Street will be transformed, to its detriment, by 40R proposal.**

The massing and scale represented in the proposed bylaws result in 5-story walls of canyon-like apartment blocks along lower Cottage Street, and the streets forming the heart of Amherst Center. These massive blocks slam up against adjacent, established neighborhoods.



- We are losing the look and feel of our engaging college town that at one time was #1 in the Nation, due to the massing and scale of curbside development already permitted in the General Business District. It's time to pause and reassess. We do not want to become a pseudo-town center similar to Storrs, CT.

- All streets named in the three 40R Sub-Districts are currently active pedestrian routes. Insertion of 5-story massing as monolithic apartment blocks is contrary to creation of “pedestrian-friendly streets.” It eliminates the visual excitement of pedestrian scale.
- All proposals should have street-side, human scale elements, with graduated building heights behind.

## **2. Neighborhood residents were excluded from “information gathering” by Consultants**

- Consultants stated, “Conducted an extensive outreach process to housing stakeholders including about 30 interviews.” No resident, in a role as an abutter or as a town resident, was invited to inform the process! (See “Smart Growth - Interview List” below.)
- Residents of impacted neighborhoods should be stakeholders.
- Consultants’ “site analysis strategy relied heavily on input from the 1<sup>st</sup> community meeting and the interview process.” Open forums on Smart Growth focused on *broad* concepts, not the details that spell out the reality of massing and scale exposed in the bylaw text.
- Forum time was primarily dedicated to “what is 40R” and describing general intent of creating “transitions” from neighborhoods into a denser Amherst Center, and building additional housing in Amherst that mandates affordable units. Time was not allocated during the Forums for in-depth discussion or public input on where appropriate district boundaries might go. When that issue was raised, Consultants responded that boundaries were informed through conversations primarily with landowners. Public Forums activity focused on issues of less gravity, such as “do you like the trees near the building or near the street?”
- Notice of these meetings was not widely advertised.

## **3. COVID-19 requires hitting “pause” to this moving train**

- Housing demand in Amherst is directly dependent on an “in-person Higher Ed” experience. In the 6/11/2020 Daily Hampshire Gazette, Chancellor Subbaswamy is quoted as saying “It is clear...the campus cannot operate at full residential capacity...”, limited by social-distancing guidelines. High risk students might stay home altogether.
- Economic uncertainty and uncertainty of housing demand will persist until a vaccine has been approved and a large percentage of the general population has been inoculated.
- The population of college-aged people in Massachusetts is anticipated to drop precipitously in 5-6 years. Demand for off-campus housing will likely also decline.
- Reassessment of Amherst’s 2020 total inventory of housing and the tally of affordable units would be appropriate.

## **4. Dimensional Requirements written in by-law text belie impressions painted in forums, district boundaries, and graphic representations**

- 40R boundaries and districts need much more work. Despite Forum attendees commenting that the boundaries in North Amherst seemed arbitrary and not thought

through, no material adjustments were made in the Consultant's report. Little time was allowed during Forums to discuss this topic. This is not a good forecast of things to come. When *would* such issues get resolved if not in the drafting phase?

- "Transitions to Neighborhoods" is NOT what is described in these bylaws. Rather, abrupt, contextual conflicts are described in the stated setbacks and height allowances in Dimensional Requirements. See sketch below.
- Underlying Limited Business (B-L) Zoning Districts must still play a role in any consideration of massing and scale for new construction. The B-L district must continue to buffer the abutting and surrounding neighborhoods from exactly what is being proposed: 4/5-story, curbside construction! See sketch below.
- Zero (0') minimum front and side setbacks are absolutely contrary to the neighborhood and Town Center character. No protections are offered to abutters for loss of sunlight and privacy. Existing applications of 5-story, curbside construction at Kendrick Place and 1 East Pleasant portend equally unacceptable, future outcomes per these proposed bylaws.
- Sub-District naming in the 40R Proposal is a poor cut and paste job from state guidelines. Terms are listed in three different ways in graphics and in text; i.e., Sub-Districts T5, T4, and T3; or, Urban Center, General Urban, Sub-Urban; or Subdistrict 1, Subdistrict 2, and Subdistrict 3. I recommend the Consultants pick one terminology and stick with it!



Street level view looking south on Cottage Street toward Triangle, applying proposed by-law dimensional requirements. This is an abrupt change from established neighborhood to the T5 canyon wall, and not the "seamless transition" stated as a goal of 40R.



**5. Waiver allowances and Restrictions on Disapproving Plans raise Red Flags for citizens**

- Previous waivers in Amherst have allowed additional height, additional floors, and reductions in setbacks from property lines. Given this history, abutters need safeguards.
- Neighborhood voices were excluded from scoping and not reflected in the 40R Proposal. Given this, assurances should be written in to provide a process for equitably raising and resolving “incompatible” issues.

**6. Other opportunities?**

- No civic improvements are being considered in the 40R Proposal. Show us a proposal that brings more to the table than housing and the promise of adding vibrancy to downtown with ground floor retail and restaurants! With all due respect, Mass Mutual on the ground floor of Kendrick Place adds no vibrancy to downtown; it is the antithesis of vibrant. For example, can 40R allow and encourage senior, youth, and daycare centers, and event space that brings people into town?
- Given that Amherst is considered a housing-commodities market, please deliver a 40R Proposal that addresses the housing need while at the same time protects and fortifies owner-occupied neighborhoods as a priority!
- Enforce existing bylaws to require affordable units without resorting to waivers on heights, floors, and setback reductions.
- Consider revamping inclusionary zoning bylaws previously discussed in Town Meeting.

My comments have identified a number of discreet, material issues and deficiencies inherent in the 40R Proposal provided by the Consultants. The sub-district graphic immediately below was not presented at any Public Forum and it was not included in the publically available Planning Board packet dated 5.6.2020. However, it was in the Consultants' *presentation* to the Planning Board on 5.6.2020. The graphic depicts the proposed 40R sub-districts more clearly than any other image I have seen to-date. If this graphic represents the final delineation of the 40R overlay district, it should be rejected outright, or sent back for considerable revision and public input. I am confident a more suitable product can be prepared if we work collaboratively.

## Subdistricts



This image from the Consultants' presentations illustrates the massing and scale of apartment blocks per the 40R proposal. Where are the visual interest, texture, and human-scaled elements that make a street pedestrian-friendly? Is this the character we want?



In contrast, this image of Boston's Newbury Street shows a dense neighborhood but one endowed with with elbow room, air space between the sidewalk and the buildings, filled with human-scaled elements of railings, doorways and awnings, and gardens and front stoops.

**Town of Amherst**  
**Planning for Housing Production Program**  
**Smart Growth: Is it right for Amherst?**  
**Interview List**

**Developers/Property Owners/Realtors**

Barry Roberts, EV Realty Trust  
Cinda Jones, D.W. Cows Inc. Land Company  
Curt Shumway, Shumway Limited Partnership  
Ted Parker, Tofino Associates and Kohl Construction  
Megan McDonough, Pioneer Valley Habitat for Humanity  
Laura Baker, Valley CDC  
Jim Lumley, RealtyMobile  
Dara Kovel, Beacon Companies  
Faith Williams and Michelle Mcadaragh, WayFinders Inc.  
Peter Jessop, various Town roles and retired developer

**Other Stakeholders**

Nancy Buffone and Tony Maroulis, UMass  
James Brassord, Amherst College  
Janet Keller, Amherst Community Land Trust  
Jim Oldham, various Town roles and Amherst Community Land Trust  
John Kuhn, Kuhn Riddle Architects  
Sarah la Cour, Amherst Business Improvement District  
Wayne Feiden and Peg Keller, City of Northampton  
Geoff Kravitz, Amherst Economic Development Department  
Peter Graham and Jessica Allan, MBL Housing and Development  
Shalini Bahl-Milne, District 5 Councilor and UMass  
Steven Schreiber, District 4 Councilor and UMass  
Tom Reidy, Bacon & Wilson  
David, did we miss anyone? [Hmmm.... Author's note: YES – you missed any impacted abutters!!!]

**Enclosure 2**  
**Amherst 40R Zoning Proposal: Issues of Concern**  
**Submitted by: Pamela Rooney**

**The following comments raise Issues of Concern with the Amherst 40R Zoning Proposal. Specifically, these comments focus on presentation material and the draft zoning by-laws presented by 40R Consultants. References to slides, pages, and text sections are included.**

**I. General Comments on the Smart Growth 40R Study and Process:**

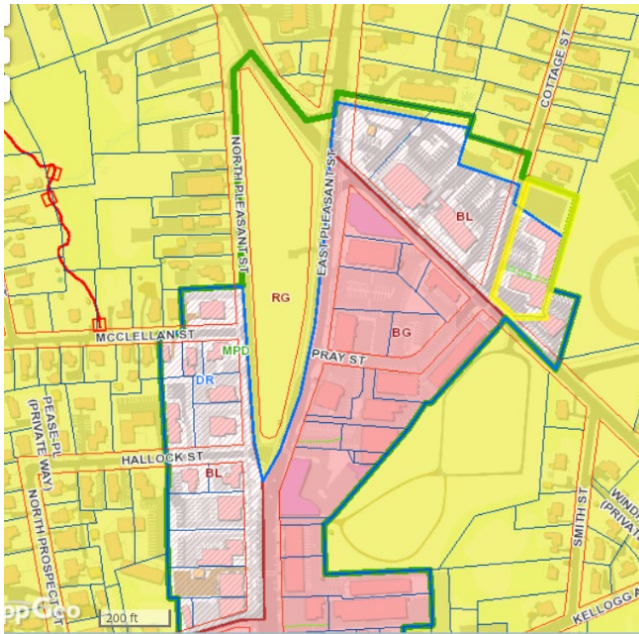
1. This Product doesn't hit the mark; it is an incomplete, broad application of State guidelines cut and pasted to "fit" Amherst. None of the stated intentions to create smooth transects from neighborhoods to Town Center are supported by the draft bylaw text or the graphics.
2. The existing underlying zoning allows land-owners in General Business District (B-G) to build dense, 5-story mixed use today, without applying 40R restrictions. Therefore:

Limited Business Districts (B-L) are the key target for this 40R effort. 40R would allow much denser development than is currently possible in any B-L, impacting close-in neighborhoods.

3. The B-L zoning (see pg. 2 below) already serves as a buffer for, and transition to, the surrounding neighborhoods from denser Amherst Center. This underlying intent is not reflected in the 40R proposal, but MUST be respected no matter what new overlay is proposed.
4. The zone recommended for "Triangle Street", is T5 – the densest district proposed. It is NOT reflective of the adjacent neighborhood scale either through graphics or in the proposed bylaw text.
5. Amherst prides itself on being and implying that it is a welcoming, safe, and friendly New England College Town; that image is projected in part by the pedestrian scale and look/materials of the architecture of the neighborhoods and Town Center. See slide 38 of 53 (2020-1219 presentation) at the end of this document. This proposal is character-shifting! The existing, desirable character is nowhere visible in the materials provided by the Consultants. Amherst Center and surrounding areas do not need to be Urban in character. Scale it down - this is what the image of Amherst Center will be for the next 50-100 years!
6. "Key Milestone in the planning process so far: Conducted an extensive outreach process to housing stakeholders including about 30 interviews." The Interview List (provided below) includes developers, commercial property owners, realtors, and town-based individuals, but ZERO, potentially impacted, abutting landowners.
7. Healthy, owner-occupied neighborhoods should be a parallel goal of the Town, along with affordable housing. Remember we are trying to encourage young families to live in Amherst. Much consideration is given in this study to the interest of



developers (see 12.19.2019 presentation - Major components of the Bylaw - Section 11 on page 10). “State review of regulations for benefit of financial feasibility.” Well, who stands for the health and financial well-being of the impacted neighborhoods? How are they safeguarded?



8. Strong feedback in the public hearings (particularly at the 12.19.2019 mtg.) was that the “straw man” 40R district boundaries, as presented, seemed arbitrary and required a much closer look before recommendations were to be made. That closer look has NOT occurred in any apparent way since then; the boundaries are not thought through and need a much more nuanced approach.

## II. Comments on “Overview of Major Components” of the Bylaw (from 5.6.2020 Planning Board Packet - labeled at bottom of pages as “pages 7 - 10”).

1. Section 7 – Plan Approval (“page” 7): Planning Board is Plan Approval Authority (PAA) – the body responsible for reviewing all project applications.
  - a. Concern is about who reviews for tangible aesthetic/visual considerations for any proposal. There is no apparent role for the Design Review Board.
  - b. Concern is about who reviews and rules on meeting the design standards which drive compliance with the stated intention of a “seamless transition from neighborhoods to town center”? Compliance is difficult to quantify, is ambiguous and can be misleading, yet is the basis of this overlay proposal. See sketch of 5 story buildings adjacent to 1½ - 2 story neighborhoods; those building would be in compliance with dimensional requirements in 40R proposal. There need to be safeguards for existing neighborhoods!
2. Section 8 – Plan approval procedures (“page” 7):
  - a. Public Hearing – Changes requested by Public are often not accommodated in any outcome (see lack of response noted in item I.8 above). When the Public feels obligated to contest an incompatible element, what confidence is provided that the issue will be corrected?
  - b. Peer review is allowed – who’s Peers - the Developers’ or the Neighbors’?

3. Section 9 – Plan approval decisions (“page” 8): Disapproval **only allowed** when application is incomplete in some way like missing some administrative detail.
  - a. Who rules on mitigation of significant adverse project impacts? (See item I.8 and II.2.a comments). How is developer forced to mitigate? Who decides a proposal is OK – even if the Public feels it is a poor fit and unsupportive of neighborhood health and well-being?
  - b. Waivers are allowed. **This is a Red Flag.** Waivers in the past have included additional height allowances on buildings, including additional floors, and reduction of setbacks. Waivers allowing such changes are unacceptable when considering impacts to abutters. 40R is described as locking in conditions so waivers are not necessary. Who will be held accountable for not maintaining integrity of design guidelines? Please, note, waivers on Kendrick Place occurred outside of the intent of Zoning by-laws enacted by Town Meeting and resulted in zero affordable units produced for the town.
4. Section 10 – Changes in Plans after PAA approval (“page” 8):
  - a. Concern that a “minor change” (See item II.3.b comment) such as a waiver on height or number of floors won’t come back into the public eye for comment. How is this safeguarded against?

### **III. Comments on Overview of Major Components of the Bylaw (5.6.2020 Planning Board Packet - Section 11-Design Standards (“page” 9 and 10))**

As a general rule, aspects of this section are generic, cut-and-paste, and not supported by details.

1. Section 11 – Design Standards - General ( “pages” 9 and 10):
  - a. ‘Meeting Design Standards is required’...but many of the requirements are “subjective or open to interpretation....” It is stated that design standards are intended to:
    - “Reflect the vision of the community” Really - 5-story apartment blocks immediately adjacent to 1- and 2-story homes?
    - “Preserve positive aspects of the existing town character” Really - does slide 38 of 53 from 12.19.2019 presentation reflect or preserve ANY existing character?
    - “Improve pedestrian experience” Really – did the zero setback at Kendrick Place improve pedestrian experience? Narrowing the streetscape to a zero 0’ setback, as compared with existing 20’ setbacks along Cottage Street, is NOT an improvement to a pedestrian-rich, neighborhood street. Where is the quality of texture and visual interest of Cottage Street carried through the T5 district? That would improve the pedestrian experience!
  - b. Design Standards being suggested are very much cut and paste from State guidelines – they do NOT reflect desired character of streetscapes in Amherst.

- c. Design Standards proposed do appear to “allow developer discretion” but are very much contrary to the “community context”!
    - Much of residential property adjacent to the 40R boundary, north of Triangle, is 1½- to 2-story, owner-occupied homes on Cottage and Tan Brook condominiums.
  - d. “The State will review Standards...to ensure they are reasonable in relation to developer and property owner need to pursue a return on investment”: Where is ANY protection to ensure that home-owner neighbors are protected in THEIR primary “Investment”, their own homes?
  - e. Proposed Design Standards are based on Form Based Zoning principles...focus on building massing, relationship to the street and architectural character – NONE of the proposed Design Standards reflect the adjacent neighborhoods character, contrary to stated objectives.
2. 40R Proposal states “Standards define 3 Sub-Districts that respond to the surrounding neighborhood character.” The text does not support this general statement.
- a. 40R Proposal defines Sub-District T5 Urban Center, described as “Lining North Pleasant, East Pleasant, and Triangle Streets.” Issue: Cottage Street should not be included in T5!
    - Cottage Street is inappropriately included in the sub-district of maximum density. Any development fronting on Cottage Street – a premier walking street with abutting, single family homes - should NEVER be considered Urban Center T5!
    - Current underlying B-L zoning is intended to allow transition from neighborhoods to Amherst Center and purposely buffer the neighborhoods from the busyness of Town Center. This underlying intent must not be diminished
    - Designating the entire B-L district as Urban Center T5 is unacceptable.
    - There is ZERO transition from neighborhood to T5; there is absolutely NOTHING that protects, or responds to, or reflects “surrounding neighborhood character”! (see sketch below)
  - b. The Design Standards provide basic dimensional requirements, but as presented, text and graphics are contradictory. It appears that under 40R, a developer can build to meet Bylaw text yet miss every stated objective of reflecting the ideals of “transitions”!

#### **IV. Comments on Proposed Bylaw Text (Draft dated 4.20.20), Section 11-Design Standards, and PB packet (5.6.2020) that clarify “the careful and coherent controls on building disposition and form”**

- 1. Design standards as described simply do NOT “respond to surrounding neighborhood character.” They do NOT “Recognize and reinforce legible Patterns of

- Development”, period. No graphic provided by the Consultants “recognizes the scale of existing residential construction” or any aspect of adjacent, historic houses.
2. Building Massing Guidelines (slide 27 of 53) aren’t true to the dimensional requirements in Section 11.3
    - a. The stated 4-Story, maximum height at “edge of downtown” (one assumes the B-L district is at the edge), doesn’t match height limits stated later in 11.3 Dimensional Requirements for T5-Triangle Street (5-story).
    - b. “Step down to 3 stories in vicinity of single family residential property lines”
      - Vicinity is ambiguous and therefore offers no protection to adjacent homes;
      - Vicinity is not mandated by stated distance from single family homes, or any reduction in the massive scale of apartment blocks lining the street, or maintenance of existing street character, resulting in the overshadowing and shading out of adjacent properties.
      - Intent to “step down” in vicinity of single family residential property lines is NOT reflected in the 11.3 Dimensional Requirements – therefore ZERO safeguards exist in writing to respect and protect the adjacent properties.
      - Does not define relationship with Cottage Street neighborhood.
    - c. “Vertical articulation of facades at regular interval to echo scale of existing architecture” is absolutely NOT in evidence – see sketch of Cottage Street.



## V. Comments on Proposed Bylaw Text (DRAFT dated 4.20.2020): Section 11 - Design Guidelines and Dimensional Requirements specific to T5 Urban Center

1. 11.1.B. “Recognize and reinforce legible patterns of development”. Every aspect of T5 development is incompatible in the context of Cottage Street. Each condition would need to be refuted and held up as not applying its own goals, when considering the impact to Cottage Street. 11.1.B is NOT a true statement, per description when



- applied to Lower Cottage Street. Guidelines do not “reflect scale of historic structures”, which refer only to the epi-center of Amherst Center business district with 4 floors. The presence of historic homes >100 years old making up majority of Cottage Street residences is not acknowledged.
2. 11.1 B. “Standards along North Prospect and Hallock and adjacent to West Cemetery recognize the scale of existing residential construction...” Why was this same consideration not applied to Cottage Street? Hallock Street is 100% outside-owned; Cottage Street is heavily owner-occupied and its building scale and historic nature are similar.
  3. 11.1. F. - Parking – insufficient quantity is shown provided, based on unit counts. What is current trend in automobile ownership?
    - a. Parking capacity within Downtown Parking District has been eroded via town-permitted use by Kendrick Place residents.
    - b. On-street parking in abutting neighborhoods is regulated providing little additional capacity.
    - c. No parking is shown on graphics that allows/encourages ground-level commercial businesses to survive. Must streets be made wider to provide on-street, store access?
  4. 11.2. Form-based Code similarities: “Sub-District Design Standards are intended to deliver...less intense development in the areas of the 40R District that face smaller scale residential construction and open space. This consideration was not made for Cottage Street. “This will help achieve new development compatible with abutting uses and neighborhood characters.” This is NOT true in the case of Cottage Street as shown in the T5 district descriptions. Even our existing Town Center has more elbow room and green space than any images portraying T5!
  5. 11.3. “3 sub-districts whose associated standards are intended to create a seamless transition from the denser development allowed along North Pleasant, East Pleasant, and Triangle Streets to the smaller scale neighborhoods and open spaces that abut them.” This is categorically NOT true as shown for Cottage Street – see sketches. There is zero transition from 1-2 story homes to the 5-story apartment blocks with minimal setbacks described in dimensional requirements.
  6. 11.3.1 “The T5 sub-district building and street form allowed by these standards will serve to calm vehicular traffic along vehicular corridors, provide for a more human-scale street, etc.” NOT true - Human scale exists now, and speed bumps calm traffic, but that will be dramatically injured with construction of 5-story buildings facing Cottage Street. 1 Kendrick Place, with its zero setbacks as a living example, does not affect traffic slowdowns.
  7. 11.3.1.1 Dimensional Requirements (T5) Urban Center
    - a. Front Yard setback: 0-5’. **Not acceptable.** This does not reflect the character and existing street and sidewalk configuration of Cottage Street. Facades should match setback of existing homes of 18-20’ from ROW. Buildings must have doorways and front gardens onto Cottage Street:

- b. Side yard setbacks: 0'. **Not acceptable adjacent to existing residential property:** solid, 5-story walls on the property line block 100% of south light into adjoining property(s), eliminate any vegetative barrier separating owner-occupied from B-L area activity. Completely eliminate privacy of adjoining backyard private space of abutting neighbor(s).
    - Mandate that 30 Cottage Street structure remain in place - or - mandate this space serve as a green space buffer to adjacent homes; then begin the 2-story, street-side facades along Cottage Street.
  - c. Height: 24-65'/5 floors **Not acceptable in this neighborhood.** No acknowledgement of any reduction in this dimension even with existing abutting homes; does not reflect the bullets of the "Massing Guidelines" slide. Picture twice the height and a solid massing of apartment block at the boundary of a single-family home.
  - d. Current Height maximum in B-L district is 3 stories/35' height. This same restriction must apply entirely to buildings which abut General Residence zones or front Cottage Street.
8. 11.3.1.2.6 (text shows a repeated .5) Rooftop mechanical equipment...shall be set back ... shall be on rear facades, facades not visible from public way, or on the roof." However, no mention of not being visible to those who will see it at eye level all day - from day light to sundown – the adjacent home-owners.
  9. 11.3.1.3.5 Ground floor commercial. However designed, commercial activity immediately adjacent to single family homes needs stricter conditions.
  10. 11.3.1.7.3 "All lighting to be "dark sky" and cut off at property lines." This is impossible to enforce when the lights will be *shining down* on the neighboring properties.

## VI. Comments on Bylaws Text (DRAFT dated 4.20.2020): Section 11 - Design Guidelines and Dimensional Requirements – Specific to T3 Sub-Urban (as proposed for Hallock and North Prospect Streets)

1. "The building allowed by these Standards will complement the 2 ½ story buildings across North Prospect and Hallock Streets in scale and articulation...." Does it impact any Historic District structures? Why was this consideration not discussed for Cottage Street?
2. 11.3.3.1 Dimensional Requirements
  - a. Front Yard setback: 15' minimum. A better reflection of the character and existing street and sidewalk configuration of Cottage Street. Buildings must match setback of existing homes of 18-20' from ROW. Buildings should have doorways and front gardens onto Cottage Street.
  - b. Side yard setbacks: 5'. **Not acceptable** adjacent to existing residential property: South light is 100% blocked from adjoining property(s); vegetative barrier separating owner-occupied from B-L area activity is impacted and eliminated;

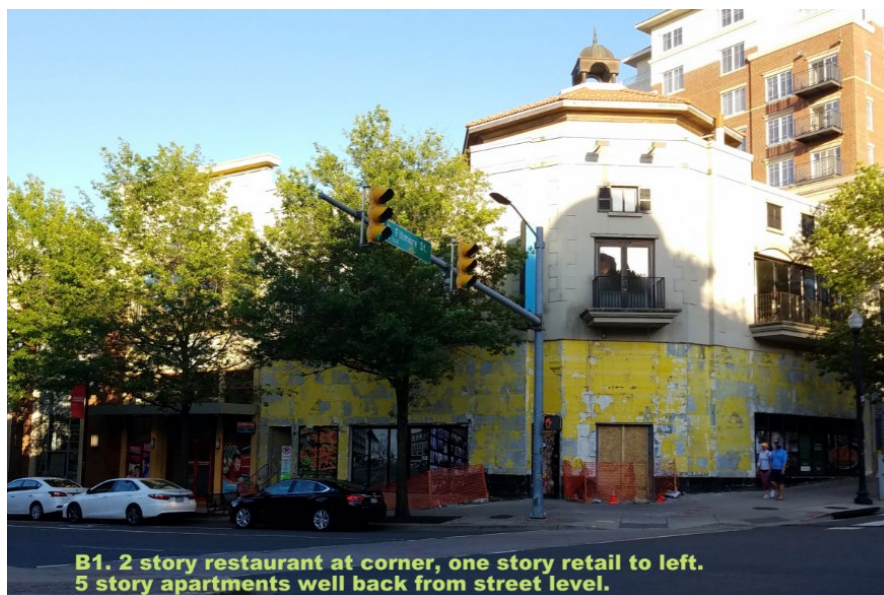
privacy of adjoining backyard private space of abutting neighbor(s) is completely eliminated.

- c. Height: 22-35' <sup>2</sup>/<sub>3</sub> floors. This better reflects the adjacent, single family homes and allows the desired outcome stated in 11.3: “seamless transition from the denser development... to the smaller scale neighborhoods”, those including Cottage Street.

T5 proposed for Lower Cottage Street (now a B-L district)



Compare with 1- and 2-story community-scaled residential in Arlington, VA



Consultants' proposed image of North Pleasant Street



Compare with North Pleasant Street – pedestrian scale



visual interest



**Town of Amherst**  
**Planning for Housing Production Program**  
**Smart Growth: Is it right for Amherst?**  
**Interview List**

**Developers/Property Owners/Realtors**

Barry Roberts, EV Realty Trust  
Cinda Jones, D.W. Cows Inc. Land Company  
Curt Shumway, Shumway Limited Partnership  
Ted Parker, Tofino Associates and Kohl Construction  
Megan McDonough, Pioneer Valley Habitat for Humanity  
Laura Baker, Valley CDC  
Jim Lumley, RealtyMobile  
Dara Kovel, Beacon Companies  
Faith Williams and Michelle Mcadaragh, WayFinders Inc.  
Peter Jessop, various Town roles and retired developer

**Other Stakeholders**

Nancy Buffone and Tony Maroulis, UMass  
James Brassord, Amherst College  
Janet Keller, Amherst Community Land Trust  
Jim Oldham, various Town roles and Amherst Community Land Trust  
John Kuhn, Kuhn Riddle Architects  
Sarah la Cour, Amherst Business Improvement District  
Wayne Feiden and Peg Keller, City of Northampton  
Geoff Kravitz, Amherst Economic Development Department  
Peter Graham and Jessica Allan, MBL Housing and Development  
Shalini Bahl-Milne, District 5 Councilor and UMass  
Steven Schreiber, District 4 Councilor and UMass  
Tom Reidy, Bacon & Wilson  
David, did we miss anyone? [Hmmm.... Author's note: YES – you missed any impacted abutters!!!]

61 Cottage Street Amherst, MA, 01002

June 12 2020

Christine Brestrup  
Amherst Town Planner  
Town Hall at 4 Boltwood Ave  
Amherst MA 01002

Dear Ms. Brestrup,

I am writing to express my concern about the document and PowerPoint file that were published on the town Website detailing a proposal to create a new major "mixed" development .

I am aware that Pam Rooney has submitted a more extensive critique and understand that at least 2 other comments will also be sent to you, from Professors Vierling and Berkman. While I have perused Pam's document, I will not attempt to duplicate the many valid points made. Furthermore, I have not had any discussions with any others who may responded. Rather, I am providing my personal perspective and that of my wife Elaine, as residents at 61 Cottage Street for 11 years. In full disclosure I believe we will be among the people least affected directly by the proposed conversion of the Limited Business property, since a short examination of the Amherst GIS website will show that the closest wall of our house is set back from the street about 300 feet. Moreover, a satellite view will reveal that we are surrounded by many large trees which muffle a great deal of noise from the south, west and north directions, as well as unsightly views.

However, our favorable location does little to assuage our objections to the plan presented by the consultants. Before detailing my significant dissatisfaction let me make it clear that I am not resistant to change in Amherst; indeed, I believe that are many ways in which our community life can and should be improved by developing various new projects, including creating more accommodation, both at and below market prices. As an aside, one favorable outcome will be an increased tax base, something we certainly need going forward. What is of concern is the way we have reached the current situation, with outcomes in some future timeframe that may be strongly disadvantageous to our local community.

Overall it is my opinion that the proposal is markedly deficient in a number of ways. In brief, I will make the following points.

1. As a strong believer in local democracy I object strongly to the fact that appears to have been NO communication/consultation with those whose lifestyle will change, namely residents of Cottage and East Pleasant Streets between Triangle and Chestnut.
2. When we moved here, having lived on 3 continents always in big cities, one of the major attractions was the closeness, the sense of belonging and the friendliness of our neighbors. With the exception of three of the six rental properties, two of which are currently unoccupied, we know the names, occupations and interests of almost everyone on our street; they are our friends. What a joy; we have never experienced this before. Of course, any changes that develop will not alter our interactions but will very likely have impact, direct or otherwise on a number of our friends, a situation we find distressing.

3. More substantively, the consultants do not appear to consider the human impact, including light levels, on the occupants of the several closest houses of building a high (see point 4 below) structure with zero setback. I lived on UES Manhattan and can talk to “walking in sunless valleys”. Furthermore, as detailed below, other significant issues will have a wider impact.
4. I challenge directly the idea that a five story building, including a ground level “business” section needs to be 75 ft high; this seems illogical, as shown by a trivial study of the two new joint use buildings completed over the last few years. How did the consultants arrive at an average height of 15 foot per floor?
5. The plan also fails to indicate how the new development plans to smooth the transition from the “bustling” town to a very quiet and stable residential neighborhood. As I read about analogous changes in other towns there is consideration of park-like areas with fountains, etc. I realize all this may be under consideration, but an early indication of such an approach might have lessened the palpable concerns of many people I have talked with on our street. In this regard, a number of people have views similar to mine, namely being open to consideration, discussion and, most importantly, direct input on details of the final project. The planning board clearly has the final say, but I suggest that anything but repeated interactions with all our neighbors would set a precedent and be unwelcome on a town-wide level. This is not the ethos I have come to expect in Amherst.
6. Finally, another important issue I have heard raised is the probable big increase in traffic on Cottage Street, a narrow road where legitimately parked cars already impede smooth flow. Additionally, currently six of the 20 houses in the single block are occupied by parents with children; I believe they will not be happy with this likely development as it stands.

In sum, the plan as laid out contains major stumbling blocks making it very unlikely to be acceptable. I look forward to attending the virtual meeting of the planning board and hope to hear that the concerns raised by me and my friends will be addressed head on. At a time when our country needs to listen closely to whole communities, let us show an example of what our beloved and even famous town can do.

Paddy Ross

Retired Professor of Pathology and Cell and Molecular Biology.



## Breger, Benjamin

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**From:** Maurianne Adams <adams@educ.umass.edu>  
**Sent:** Monday, June 15, 2020 11:21 AM  
**To:** Brestrup, Christine; Malloy, Nathaniel  
**Cc:** Adams, Maurianne  
**Subject:** Feedback and Recommendations for the Planning Board and the Consultants on the current 40R Overlay proposal  
**Attachments:** Amherst presentation 12.19.2019 - Combined.pdf; PB Packet 5 6 2020 pdf.pdf; Interview List.docx; Interview Findings revised.docx

Dear Christine Brestrup: I have written this letter for consultants Sonnaborg and Eisen as they prepare their final draft of 40R and for the Planning Board as they consider various iterations of this plan. I felt I needed to be frank in this letter and hope that I have not overstepped the bounds of respectful discourse. I believe we are all doing the best with the tools that we have and that we have different "interests" in the outcome. But there is a common good that bonds us, I hope, and it is that hope that led me to write this letter.

All best wishes,

Maurianne Adams

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Dear 40R Consultants and Planning Board Members:

Thank you for this opportunity to provide some feedback from a neighborhood, resident perspective, on the version of the Overlay 40R proposal presented to the Planning Board by consultants Sonnaborg and Eisen on May 6<sup>th</sup>, 2020 (see attached PB Packet starting at p. 18). Before offering my responses - and recommendations based on my neighborhood resident viewpoint - I want to be clear that I fully support development in Amherst. We need development to maintain the town's economy, attract new residents and visitors, help support the tax burden. I hope for development that is thoughtful and in keeping with the historical, somewhat idiosyncratic, rural characteristics of Amherst and as a result, I was distressed by the location, the over-reaching size, and the lack of clear design in the 40R

presented on May 6<sup>th</sup>. My hope is that consultants Sonnaborg and Eisen will take seriously the problems described by a number of residents, several of them who wrote long, thoughtful letters from the perspective of Cottage Street and who will be directly impacted by what is permitted by the dimensional requirements - the height and mass allowed to large buildings, zero setback from pavements, loss of walkable pedestrian space, loss of sunlight on abutting homes in residential neighborhoods. This a lovely, rural town will be transformed into something very different, something quite ordinary, not something that had grown organically out of a specific New England history that attracts current residents, future retirees, and visitors.

I do understand the degree to which off-campus student housing is a key local business with a direct effect on the availability of affordable family or professional rentals. I have long worked to support affordability and was disappointed that student housing developments on North Pleasant and elsewhere provided zero affordability. I am disappointed that "mixed use" has failed to bring local businesses back into the center, having been driven out by the North Pleasant developments, and believe that the development costs of high-end residential buildings mis-advertised as "mixed use" have priced out small local businesses that might address community needs. It may be that "mixed use" is no longer a useful assumption for development in Amherst, but only a way to deal with zoning that prevents the development of exclusively residential units. it is uncertain what "mixed use" development has otherwise to offer.

Yes, I support development and do so understanding that some of the development thus far has not fulfilled its promise. This is the cautiously hopeful neighborhood and residential (35 years) perspective I bring to the current 40R proposal, hoping that mid-course corrections by the consultants can be made before the final draft is turned into Town Hall.

### **Observations:**

- 1. Overlay District too Diverse:** The proposed 40R "smart growth" overlay district is far too diverse for an initial pilot overlay district. It's subdivision into 3 subdistricts is a give-away that since much of Amherst is a patchwork quilt of neighborhoods intersecting with to low-slung malls and eclectic small businesses, any Overlay District should be small enough to be effective. For

example, looking from the smaller rows of businesses or historic homes, the 5-story developments on the east of East Pleasant are anomalies, not visual anchors. If one were to walk the streets of the entire proposed overlay district, one would discover at least 5 distinct areas, not 3 subdistricts: (1) residential western side of North Prospect (extending into the residences outside the 40R and farther to the west); (2) eclectic business area west of North Pleasant; (3) massive 5-story buildings edging to the sidewalk east of East Pleasant; (4) Pray St L-shaped "mall" of small businesses as well as the area abutting the cemetery; (5) the Triangle St "mall" of small businesses abutting residential Cottage St, Eames, Chestnut, etc. There are far too many differentiated architectural, business or residential, streetscape and sidewalk, and other visual, business, professional, parking, and residential styles and uses to try to handle so variegated a group as if this were a single overlay zoning district with 3 discontinuous subdistricts. The consultants do not even raise this formidable problem.

2. **Is this truly a "downtown"?** There is an architecturally coherent Amherst "downtown" located between College St/Rt 9 and Main/Amity St. So I remember my astonishment some years ago when the BID laid claim to a "Downtown" extending north to Triangle Street. This claim was clearly for development purposes, given the apparent reluctance of property owners of the professional, business, office and apartment buildings between College St/Rt 9 and Main St/Amity to invest in development the core downtown. Thus, the interesting, eclectic array of storefronts in single- or two-story malls extending on both sides of North Pleasant up to Kendrick Park have presented an irresistible target for "development." One sees the contours in the eclectic, contradictory 40R proposal now before us. But this opportunity, which I do not oppose, does not mean that the size, mass, and zero setback of the original Amherst downtown should be replicated in this northward "midtown" section of Amherst (this I do oppose).
3. **Excessively Urban Height and Set-Back Criteria:** It is not surprising that a "downtown" is traditionally imagined as urban architecture of substantive height, allowing zero setbacks, minimizing green space. So there may be an unbridgeable contradiction between the "vision" presented by 40R with the terms urban, general urban and sub-urban, and what Amherst residents and

tax-payers are willing to accept as "development" in this mid-town area. Understandably, residents of Cottage St fear living in the shadow of 5-story buildings and if such are built, they are likely to sell out and move, thus further reducing the proportion of Amherst demographics that are 12-month residents committed to the well-being of the Amherst community. I believe that you have received several thoughtful, detailed letters from them, spelling out their concerns, expressing their anger. But there are thoughtful ways that you can manage height (graduated massing, up to 3 or stories), locate it properly, preserve set-backs, preserve green space in front of and around buildings. Such thoughtfulness cannot be done on the grand scale that the current 40R Overlay proposes.

**4. Interviews and Input Tailored to Developer Interests:** One has only to read the Interview List (attached) to understand how we got here. All the major developers are named; many of the realtors and rental managers; collegiate interests; and affordability interests. And yet, despite explicit instructions in the 40R regulations to the contrary, there is not a single interviewee who represents Amherst residents - nor, once the Business District was settled on, abutters. The Interview Findings (attached) document negative stereotypes of residents, as if abutter opposition were anti-development (which it is not) or lockstep and thoughtless (also, I trust, untrue). Abutters and residents want to work toward the common good for the town, and I, as one such person, wish that developers and property owners were willing to calculate into the costs of doing business, the costs of harming the quality of life for town residents. Some developers are also residents of Amherst. Surely we can find some common ground.

**5. Unclear Design Standards:** Clear, explicit, appropriate Design Standards are a major requirement for acceptance of a 40R Bylaw. But the standards proposed on May 6<sup>th</sup> to differentiate the Urban, General Urban and Sub-Urban subdistricts misrepresent these subdistricts as they are "on the ground" and will not prove adequate to the job. If the subdistricts were to be disentangled, the town's current Form Based Zoning standards - developed some years ago for the rezoning of North Amherst - would prove a useful tool. My memory was that residents objected not to the Form Based Zoning standards, but to the degree of densification in North

Amherst that was the “under-story” for Form Based Zoning. We were favorable to Form Based Zoning but not favorable to the degree of densification being proposed. Time to bring the Form Based Zoning Standards out again, if and only if this Overlay District is reduced to a more coherent and manageable pilot overlay district, perhaps in the midtown, perhaps elsewhere.

6. **Amherst May Already be Over-Developed:** Whether the pandemic or other economic forces are the cause, it appears that many rental units and business spaces in Amherst are empty. For some time, the older rooms or separate rental units in private homes have been underutilized, but it now appears that regular as well as high-end units may also be unfilled, whether because of the high rents or because the student demand has disappeared with the pandemic. It is not clear whether student demand for off-campus housing will revive. It is not clear whether such units could be repurposed as affordable family rentals.
7. **Assumptions about Rental Pricing (Affordability) and Tax Revenues:** The prevailing assumption, as I understood it, is that rental rates will come down as more units were built. This was the reason to approve the many developments that have gone through the approval process in recent years. But evidently these developments have catered to a new and different, “high-end” and professional market, some of it international. It is not clear, given the pandemic, whether this population will continue to travel to Amherst. It is also not clear whether the tax revenues from developments built during the past few years have met expectations. It would be useful to have information on both of these questions.
8. **40R as a Tool for Affordable Housing:** A major argument for 40R Overlay Zoning is that it serves as an incentive for affordable housing. I am an advocate for affordable housing and at the same time, I need to ask, at what price for adjacent neighborhoods? I am not talking about the residents of such development, please understand. I am objecting to the out-size mass of such developments, based on developers claims of what needs to be built to make affordable housing affordable for them as

developers. Are there other tools that may prove more compatible with a non-urban setting such as Amherst?

- 9. Rezoning the B-L:** As I examine the costs and benefits of 40R, it appears that the only clear benefit that 40R provides is the rezoning and, in fact, the removal of the B-L. But the B-L is Amherst's only buffer between General Business districts where 5-story buildings are permitted, and residential neighborhoods. With the loss of the B-L, no buffer remains.

## **Recommendations:**

- 1. Less Will be More:** The constituents of "smart growth" - mixed use and income, community engagement, respect for the visual qualities of the neighborhoods, and form-based design consistent with context - can be reflected in thoughtful design. Such thoughtful design must be on a smaller scale and with a manageable, coherent locale - graduated massing up to 3 or 4 stories, set backs, pedestrian walkways, outdoor seating, green space.
- 2. Rethink target area as part of "mid-town":** If the Main/Amity north to Triangle were to be reframed as "midtown Amherst," it would be far easier to imagine more modest scale. Maximums would be 3 or 5 stories, there would be no 5 story developments, there would be setbacks, the design would not be urban. An example is the attractive off-campus housing developed by Barry Roberts on University Drive, which is set well back from the street, surrounded by green space, with roof-scapes that reflect the houses east-bound up the hill from the development. This is a development that was designed by a local architect who has lived in and designed for a coherent Amherst. (It may be that the pilot 40R should be on University Drive?)
- 3. Restrict Height and Increase Set-Back:** No 5-story developments should be allowed by right and no zero set-backs. The 40R plan would need to be explicit about waivers so that 5-story or zero set-back could not re-enter the design by this back-door, as we have seen in other cases.
- 4. Incorporate Neighborhood and Abutter Input and Collaboration into the Process:** In light of the multiple objections to the current 40R "downtown"

proposal, it is likely that the location, the scale, the Form Based Design standards will need to be fully reconsidered, if any kind of 40R Overlay Bylaw is to be adopted. Residents need to be involved in the decision as to the location - not presented with the location as a fait accompli. The assumption of "eager property owners" bears examination. Residents deserve much greater transparency as to the need for such a Bylaw - does it depend entirely on willing property owners, for example? Does it provide a way to scuttle B-L zoning? Residents will live with the results of these decisions. Collaboration between residents and developers is the only route to a decision that the variety of stakeholders in the town can live with. By collaboration I am talking about collaborative decision making, not polite listening-sessions that nowhere.

5. **Adjust Form-Based Zoning to Specific Area Needs:** This has already been discussed. Amherst's current draft of Form-Based Zoning is likely based on North Amherst models, so it may need to be adapted to whatever locale is ultimately chosen for a pilot 40R Overlay Bylaw.
6. **Await Post-Pandemic Housing Demands (Type, Extent):** COVID-19 has upended the economic assumptions on which this plan was initially proposed and developed. There are less likely to be "eager developers" (see 12.19 rationales) who endorsed the Downtown, given post-pandemic economic uncertainties. These uncertainties include the question, Does the Downtown remain the best option? Will enough off-campus residential students be returning to UMA to fill the rental units already built? Might out-of-state and international students not return to Amherst? It will be interesting to have frank discussions with developers who have already built, to know about their rentals for Fall or projecting out to the future.
7. **Transparency about Post-Pandemic Realities of Rental Pricing (Affordability) and Tax Revenues:** Although some of this information may be proprietary, it will important in deciding about 40R to understand

whether the development of more rental units throughout town reduces the rental price or whether the growth of a new higher-end market brings in factors unrelated to potential affordability? Do we have data as to whether and how the availability of family and affordable rental housing is related to the fulfilling the off-campus student market? And the degree to which 40R would increase Amherst tax revenues or provide other value (including affordable housing) for the town

**8. Affordability at Any Price? Other, Better Tools** Inclusionary zoning is already on the books of the Amherst Zoning Bylaw but remains an underutilized zoning tool for affordability. Town residents need to understand what it is about 40R that makes it attractive as an affordable housing tool, given developers' reluctance to use Inclusionary Zoning.

With respect, best wishes, and appreciation for this opportunity to address you

Maurianne Adams

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A few blocks away from the proposed 40R T5 Urban Center Sub-District